

REMARKS

The application is believed to be in condition for allowance for the reasons set forth below.

Claims 1-16 are pending in the application.

Claims 1-16 were rejected under 35 USC §103(a) as being unpatentable over TALLARIDA et al. 6,527,754 in view SRISATHAPAT et al. That rejection is respectfully traversed.

The Official Action recognizes that TALLARIDA does not disclose that a terminal portion of the diffusion duct is located outside the casing and extends in a direction substantially parallel with the side of the triangle opposite the tapered vertex. SRISATHAPAT is offered for this feature.

However, the Federal circuit has held that it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

The port 32 located at the side of the assembly of SRISATHAPAT is a radial port of a circular housing 12. Port 32 includes a discharge tube 34 that extends radially into semicircular housing 30. Semicircular housing 30 includes a discharge flow passage 56, such that the discharge tube 34 opens into a small chamber 58 which communicates with a narrow port 60. Such passage is normal to the plane of the casing. Fluid then flows tangent to the casing 12 through catheter passage 66. Catheter passage 66 includes check valve 84.

As seen in Figures 5 and 6 of SRISATHAPAT, not only is there changes in direction (radial to normal to tangent), but also the fluid passages have various diameters such that a tortuous path including obstacles such as check valve 84 is presented. Such a path generates dead space and requires the application of a high pressure to the fluid.

Column 3, lines 38-50 of TALLARIDA disclose that dead spaces that occur in areas of transition or stoppages in flow are detrimental because they may form clots and block fluid flow. Thus, TALLARIDA expressly teaches away from the tortuous path disclosed by SRISATHAPAT.

Accordingly, the proposed combination of references is improper and must be withdrawn.

In view of the foregoing Remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

for *Role El* *Reg no*
41949
Liam McDowell, Reg. No. 44,231
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

LM/lk